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*Representing the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**OMAR QAZI,**

**Defendant.**

**Case No.: 2:15-cr-00014-APG-VCF**

**GOVERNMENT'S MOTION IN  
LIMINE TO PRECLUDE (1)  
ARGUMENT, VOIR DIRE, AND/OR  
EVIDENCE ABOUT UNRELATED  
CRIMINAL CASES; AND (2)  
DISPARAGEMENT OF THE  
JUDICIARY OR CRIMINAL  
JUSTICE SYSTEM**

The United State of America, by and through DAYLE ELIESON, United States Attorney, and ALEXANDRA MICHAEL and PATRICK BURNS, Assistant United States Attorneys, hereby respectfully submit this Government's Motion In Limine to Preclude (1) Argument, Voir Dire, and/or Evidence About Unrelated Criminal Cases; and (2) Disparagement of the Judiciary or Criminal Justice System.

**POINTS AND AUTHORITIES**

**I. Introduction**

Defendant Omar Qazi (Qazi) is charged in a one-count indictment with being a convicted felon in possession of a firearm in violation of 18 U.S.C. § 922(g). Qazi's DNA

1 was found on the subject firearm and he gave a recorded confession admitting his  
2 guilt. While in custody awaiting his trial, Qazi appears to have attached himself to the  
3 defendants, supporters, and ideologies involved in *United States v. Cliven Bundy, et al.*,  
4 2:16-cr-00046-GMN-PAL. Qazi now styles himself as a type of political prisoner or  
5 dissident martyr, and has adopted much of the ideology and rhetoric of anti-government  
6 protestors critical of the United States judicial system. Qazi has disseminated images  
7 such as this one associating himself with Cliven Bundy and Todd Engel, defendants from  
8 *United States v. Cliven Bundy, et al.*, 2:16-cr-00046-GMN-PAL:



23 <sup>1</sup> Based on Qazi's statements in jail calls posted to YouTube, it appears that Qazi gave this photo to his  
24 father who then provided it to a YouTube videoblogger apparently named Rudy Davis. The photo is used

In addition to his numerous filings that generally attack the federal government and deny its jurisdiction over him as a person and over the charges in this case, *see, e.g.*, ECF No. 41; 78; 212; 221, Qazi has also noticed as a witness paralegal-to-Ryan Bundy and “Chief Justice” for a “sovereign common law court,” Julie Embry. It is unclear what Julie Embry, a person who is not a percipient witness, would have to offer the jury other than polemics about the Bundy cases, the federal government, or sovereign citizen ideology.<sup>2</sup> Qazi’s act of noticing her as a witness, and his hanger-on status as a member of the Bundys’ movement suggests that, at trial, he intends to introduce argument or evidence about the Bundy case or other unrelated criminal cases.<sup>3</sup>

Qazi also styles himself as some sort of political prisoner or martyr of the criminal justice system and the judiciary. In a June 8, 2018 YouTube video, Qazi discussed a certiorari petition he is filing with the United States Supreme Court and an accompanying Change.org petition.<sup>4</sup> He then explained that he believes he is pursuing

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by Qazi and Davis as the image for posting jail call interviews of Qazi to YouTube:



<sup>2</sup> Qazi has produced in reciprocal discovery correspondence indicating Embry attempted unsuccessfully to obtain a report from LVMPD. That correspondence appears irrelevant and to also constitute inadmissible hearsay.

<sup>3</sup> A lengthy interview with Qazi, Ryan Bundy, and others was posted to Ammon Bundy’s Facebook page on or about April 28, 2018. *See* <https://www.facebook.com/ammonbundy/videos/358634074645957/> (accessed July 4, 2018).

<sup>4</sup> Qazi posts jail call interviews to the internet through Rudy Davis who posts videos and interviews on YouTube under the name LoneStar1776. Davis conducts videos and calls related individuals such as Ammon Bundy and Todd Engel. *See, e.g.*, <https://www.youtube.com/watch?v=lxu2YJNfk7I>, July 3, 2018

the defense in his case at great personal physical risk in order to vindicate the liberty interests of hundreds of thousands of oppressed people and entire future generations:

Qazi:...so, um, I encourage the people to sign this [petition], to share it, you know it's very important, very very important, um, if this ruling comes down it will affect thousands, I mean thousands, hundreds of thousands[.]

LoneStar1776 (Rudy Davis): That's great. We'll certainly mention Change.org and search for your name, Omar Qazi, Q-A-Z-I...and I hope hundreds of thousands of people sign it.

Qazi: I appreciate it, man...I was just talking to, ah, Kelly, lately, and I was telling her how I talked to some vets and, I have a lot of respect for them, and they themselves have told me, these guys went on the battlefield and fought for our lives and our freedom and these guys are telling me that the arguments, the fights that I'm doing, the Supreme Court, is [*sic*] honorable and it's very dangerous. They're telling me that I am putting my life on the line for America, you know, and I told, I told them, I said you know, I said my children and the children of the next generation are more important than, you know, me, you know. I think, I think, you know, the founders are, are, other people that are standing up for injustice [*sic*], they have to lay down their lives in order to make change[.]

<https://www.youtube.com/watch?v=aV5zx8ngbUg>, June 8, 2018, 9:00 approx. (accessed July 2, 2018)

As that interview continued, Qazi related his own case and his alleged mistreatment in the criminal justice system to his participation in the Bundy defendants' defense of their unrelated case:

Qazi:...well, you know, here's the thing about [Chief District Court Judge] Navarro in my, in my view, well they're all tyrants technically, but Navarro, it's a po- political motivation, OK, she's on the bench by Senator Harry Reid, you know, this was, intentional, her husband was a DA in the state, who was involved with the Bundy case, you know, um, and should have recused herself. But the thing is the political thing, it goes all the way to Obama probably, but you know at the end of the day, she's just one of those normal judges to other people, but not when it comes to the Bundys or me, you know, because, because, you know like, [United States Magistrate Judge] Peggy Leen and Navarro know that I am an avid supporter of the Bundys,

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(accessed July 4, 2018); [https://www.youtube.com/watch?v=iU8EVq8Zk\\_U](https://www.youtube.com/watch?v=iU8EVq8Zk_U), posted June 27, 2018 (accessed July 4, 2018).

1 and that I have helped them, and, and, you know, I stand up for them, that  
2 they, they've shut me down too...Navarro just denied my habeas corpus  
3 matter without even answering at all, the reasons, which I'm appealing to  
the Ninth Circuit as well, um, you know, and it's just, just, a political thing.

4 LoneStar1776: Yeah.

5 Qazi: But um, you know, we, we, we need some, uh, the only way we're  
6 going to get justice is public man. The public's [unintelligible] on these  
matters.

*Id.* at 13:43 approx.

7 In an earlier jail call interview posted on May 26, 2018 and placed on YouTube, Qazi  
8 portrayed himself as being a target of the Las Vegas Metropolitan Police Department  
9 (LVMPD) due to his association with the Bundy trials:

10 Qazi: Me putting out those videos exposing Lombardo's lies in the first  
11 two Bundy trials, uh, you know, of course he's, uh, the Sheriff and his  
goons are definitely going to want me, so [laughs].

12 <https://www.youtube.com/watch?v=zhcPksm7MMo> - May 26, 2018, 12:39  
approx. (accessed July 2, 2018).

13 A theme complementary to Qazi's effort to associate himself with the unrelated  
14 Bundy matters, is his effort to publicly disparage the judiciary in the State of Nevada,  
15 the criminal justice system, and prosecutors in general. For instance, in a jail call  
16 interview posted to YouTube on June 20, 2018, Qazi and his interviewer discussed plans  
17 for a protest at the federal courthouse regarding his case and then engaged in the  
18 following exchange:

19 LoneStar1776: ...Oh, they're so wi-, they're so wicked Omar, they're so bad,  
20 they're so evil.

21 Qazi: It is, I mean, ah, I mean keeping the public from my hearings alone  
22 is insane, uh, you know. And like a friend told me today, I was talking to a  
friend named Josh, he said, "you know, uh, back in the day, they'd, they'd  
go with the torches, and a, and a noose and, you know, demand answers"

23 LoneStar1776: Yeah! No, you're right, they used to tar, amen, they used to  
24

1 tar and feather these judges that were [*sic*] kept ruling in the British, uh,  
 2 you know favor, and they would tar and feather them and teach them a  
 3 lesson and that would put a stop to that, and that's what I think we should  
 4 be considering...I don't want to advocate any violence, I'm not, but I'm just  
 saying we need to be out in the street protesting to the point where they  
 can't ignore us anymore.

5 Qazi: Right, right, well yeah, yeah, they definitely used to tar and feather,  
 that was, uh, that was uh, you know, will get the point across for sure.

6 ...

[7:50 approx.]

7 LoneStar1776: ...this judicial system, it's just so wicked, just, uh, we gotta  
 fix it as an American people, you know

8 Qazi: Yeah, you know, well that's the thing getting the public's attention,  
 9 getting everyone together, to, to, see what's going on with their neighbors,  
 man, you know I think it's important...Not caring about what's going on  
 10 with your neighbor next doors is a horrible thing, you know?

11 LoneStar1776: Yeah.

12 Qazi: That's not American values at all.

<https://www.youtube.com/watch?v=DpIIskfRMks>, beginning 6:20 approx.  
 (accessed July 4, 2018).

13 In the call interview posted on YouTube on May 26, 2018 and referenced above, Qazi  
 14 described that he intends to "expose" LVMPD and federal judges for alleged misdeeds:  
 15

16 Qazi: Oh, and by the way, there's, there's some more dirt that just up on  
 Lombardo, which, uh, should, should be coming out soon, I'm not really  
 17 going to speak on it right now, but, uh. And as well as, uh, and uh, and uh,  
 I got something in the works that I've been looking at into, ah, exposing  
 18 another one of these federal judges, hopefully very soon.

19 LoneStar1776: Great!

20 Qazi: Uh, and that should blow up all over the media. I just waiting for that  
 to happen, uh, and, you know, I pray that it becomes a domino effect with  
 21 these, with these judges and prosecutors because it's just too rampant, you  
 know, ah especially in Nevada.

<https://www.youtube.com/watch?v=zhcPksm7MMo> - May 26, 2018, 12:56,  
 22 approx. (accessed July 2, 2018)

23 Qazi likewise disparages and blames the larger judicial system and the Court when he  
 24

1 receives judicial determinations that he finds adverse. In yet another jail call interview  
2 posted to YouTube on June 16, 2016, Qazi lamented recent rulings and disparaged the  
3 Court and the larger judiciary and prosecutors in systemic terms:

4 Qazi...and so when I asked him to abide by his oath of office, on his  
5 constitutional ruling, he basically said, “No I have to follow the Ninth  
Circuit”

6 ...  
LoneStar1776: What’s the name of this judge? What’s the name of this guy?

7 Qazi: Andrew Gordon

8 LoneStar1776: Yeah, incredible. These judges man, they put their own  
9 advancement of their career above the constitution, which they swore to  
uphold. So it’s really really terrible.

10 Qazi: He basically said on the record “I’m not going to follow my oath of  
11 office,” is basically what he told me.

12 ...  
[After discussing Qazi’s allegations that he was not permitted to adequately  
13 litigate voluntariness of his confession]  
[10:00 approx.]

14 LoneStar1776: Yeah, these guys are just...

15 Qazi: [crosstalk] you know what I’m saying?

16 LoneStar1776: Yeah, these judicial folks are just evil to the core, the  
17 prosecutors and the judges, it’s like a conviction factory. It’s not even like a  
18 fair trial before a jury of your peers at all, the fact that they’ve held you for  
41 months is just insanity. I, I, mean hell- hellfire and damnation are the  
19 reward for these evil bastards who are doing this, Omar, I mean, you know,  
I don’t know what we can do at this point except pray to God, I don’t – other  
than just expose them and pray to God that’s what I’m doing.

20 Qazi: That’s very true, you know, they, they even had, they had a bunch-,  
21 they had an audience full of young, young people in suits, which I believe  
were probably prosecutors in training: “This is how we do our injustice”[.]  
22 <https://www.youtube.com/watch?v=pmdl83mvUdM>, June 16, 2018,  
beginning 6:20 approx. (accessed July 2, 2018).

23 Finally, Qazi appears intent on causing his trial is to be well-attended by individuals  
24



1 who would appreciate the politicization of his trial. Qazi has promoted his case and  
2 upcoming trial as a protest event ala the protests and gatherings that attended the trials  
3 in *United States v. Cliven Bundy, et al.*, 2:16-cr-00046-GMN-PAL. In another jail call  
4 interview, Qazi exhorted people to appear at the Lloyd D. George federal courthouse for  
5 a “rally” or “protest” with signs advertising slogans, such as “42 ½ months without a  
6 trial” and “right to assistance of counsel denied” See  
7 <https://www.youtube.com/watch?v=DpIIskfRMks>, 6:24 approx. (accessed June 29,  
8 2018).<sup>5</sup>

## 9 II. Legal Argument

### 10 A. Legal Standard for Relevant Evidence and the Exclusion of Irrelevant 11 and Unfairly Prejudicial Evidence Under Federal Rules of Evidence 401-403

12 Federal Rule of Evidence 401, provides that “[e]vidence is relevant if: (a) it has  
13 any tendency to make a fact more or less probable than it would be without the evidence;  
14 and (b) the fact is of consequence in determining the action.” Rule 402 provides in part  
15 that “[i]rrelevant evidence is not admissible.” Rule 403 permits a district court to exclude  
16 relevant evidence if the evidence’s probative value is substantially outweighed by the  
17 danger of “unfair prejudice, confusing the issues, misleading the jury, undue delay,  
18 wasting time, or needlessly presenting cumulative evidence.” Evidence is unfairly  
19 prejudicial if it suggests a decision on an improper basis. See Fed. R. Evid. 403 Advisory  
20 Committee’s Note. District court judges enjoy broad discretion to exclude evidence under  
21

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22  
23 <sup>5</sup> By this motion, the Government obviously does not request (nor could it) any limitations on Qazi’s ability  
24 to have people assemble in support of his defense at the courthouse or to attend his trial (except to the  
extent those individuals intend to taint or interfere with prospective jurors).



1 Rule 403, and their determinations will not be disturbed on appeal absent an abuse of  
2 that discretion. *Wood v. Alaska*, 957 F.2d 1544, 1550 (9th Cir. 1992) (“Because trial  
3 judges have broad discretion both to determine relevance and to determine whether  
4 prejudicial effect or other concerns outweigh the probative value of the evidence, we will  
5 find a [constitutional] violation only if we conclude that the trial court abused its  
6 discretion.”).

7 **B. The Court Should Enter an Order in Limine Precluding Qazi from (1)**  
8 **Making Arguments or Introducing Evidence Related to Other**  
9 **Criminal Cases; and (2) Making Arguments or Introducing Evidence**  
10 **Designed to Disparage the Judiciary or Criminal Justice System**

11 Both prosecutors and defense attorneys have an obligation not to argue that the  
12 jury, in rendering its verdict, should “send a message” or be concerned with some larger  
13 policy or principle outside the specific case. The United States Supreme Court has stated  
14 that “It is clear that counsel on both sides of the table share a duty to confine arguments  
15 to the jury within proper bounds.” *United States v. Young*, 470 U.S. 1, 8, 105 S. Ct. 1038,  
16 1042, 84 L. Ed. 2d 1 (1985). And the Court has made clear that, “[t]he interests of society  
17 in the preservation of courtroom control by the judges are no more to be frustrated  
18 through unchecked improprieties by defenders.” *Id.* (quoting *Sacher v. United States*,  
343 U.S. 1, 8, 72 S.Ct. 451, 455, 96 L.Ed. 717 (1952)).

19 In that vein, Courts have long held that exhorting a jury to render a verdict in  
20 order to “send a message” or make some larger societal point constitutes attorney  
21 misconduct in the course of a jury trial. Statements “clearly designed to encourage the  
22 jury to enter a verdict on the basis of emotion rather than fact” are “irrelevant and  
23 improper.” *United States v. Nobari*, 574 F.3d 1065, 1076 (9th Cir. 2009) (quoting *United*  
24

1 *States v. Weatherspoon*, 410 F.3d 1142, 1150 (9th Cir. 2005)). Arguments appealing to the  
2 “the potential social ramifications” of a verdict are improper. *United States v. Sanchez*,  
3 659 F.3d 1252, 1256 (9th Cir. 2011). Likewise, arguments attaching the verdict to a  
4 particular societal crisis are improper. *United States v. Leon-Reyes*, 177 F.3d 816, 823  
5 (9th Cir. 1999) (prosecutors may not “point to a particular crisis in our society and ask  
6 the jury to make a statement” with their verdict); *United States v. Williams*, 989 F.2d  
7 1061, 1072 (9th Cir. 1993) (improper to exhort jury to “[t]ell these defendants that we do  
8 not want [methamphetamine] in Montana”). This principle applies to defense attorneys  
9 no less, than prosecutors.

10 The jury’s role in this case will be to decide whether Qazi possessed the charged  
11 firearm on January 6, 2015. Events in other unrelated cases, including *United States v.*  
12 *Cliven Bundy, et al.*, 2:16-cr-00046-GMN-PAL, or any other case are irrelevant to that  
13 inquiry and thus inadmissible under Federal Rule of 402 (“Irrelevant evidence is not  
14 admissible.”). The evidence of Qazi’s guilt in this case is overwhelming: his DNA was  
15 found on the charged firearm and he gave a recorded statement in which he confessed to  
16 possessing the firearm. In the face of such evidence, Qazi—who has at times  
17 demonstrated an inability to control himself in court—seems likely to engage in polemics  
18 or other rhetorical attacks on the criminal justice system at large, the federal  
19 government at large, the Court, and the prosecutors. Further, as detailed above, Qazi  
20 has abused himself of the idea that his case has some larger political meaning and  
21 appears to be trying to style himself as some cause célèbre of anti-government ideologues  
22 and criminal defendants. Qazi should be precluded from turning his trial into a  
23 politically-themed circus where the jury is distracted from its role to decide whether he  
24

possessed a firearm on January 6, 2015.

### III. Conclusion

WHEREFORE, after consideration of the included facts, points, authorities, exhibits, and arguments, the United States respectfully requests that this Court GRANT the Government's Motion In Limine to Preclude (1) Argument and/or Evidence About Unrelated Criminal Cases; and (2) Disparagement of The Judiciary or Criminal Justice System, and order that Qazi is precluded from:

- (1) presenting argument or evidence or conducting voir dire that mentions other criminal cases or defendants, or encourages a verdict based on political, societal, or ideological grounds; and
- (2) presenting argument or evidence or conducting voir dire designed to disparage the Court, the criminal justice system, the United States Attorneys' Office, or prosecutors.

DATED this 6th day of July, 2018.

Respectfully submitted,

DAYLE ELIESON  
United States Attorney

//s//

ALEXANDRA MICHAEL  
PATRICK BURNS  
Assistant United States Attorneys

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the United States Attorney's Office. A copy of the foregoing **GOVERNMENT'S MOTION IN LIMINE TO PRECLUDE (1) ARGUMENT AND/OR EVIDENCE ABOUT UNRELATED CRIMINAL CASES; AND (2) DISPARAGEMENT OF THE JUDICIARY OR CRIMINAL JUSTICE SYSTEM** was sent to Defendant Qazi via United States mail addressed to:

Mr. Omar Qazi #49760048  
NSDC 2190 East Mesquite Avenue  
Pahrump, Nevada, 89060

and on stand-by counsel Telia Williams, Esq., via electronic service by ECF, on July 5, 2018.

**DATED** this 5th day of July, 2018.

/ s / Patrick Burns

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PATRICK BURNS  
Assistant United States Attorney